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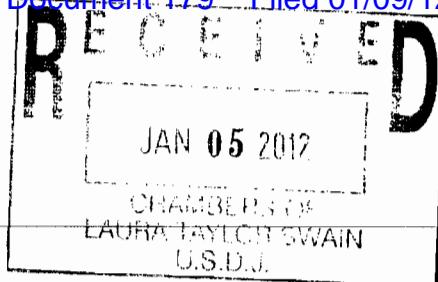
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**Via Federal Express**

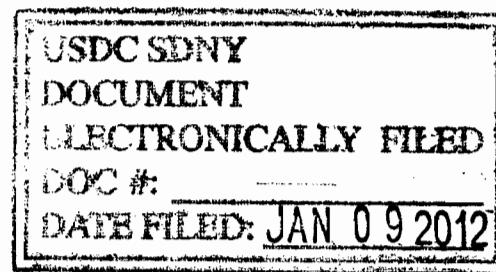
Honorable Richard J. Sullivan  
United States District Court  
500 Pearl Street  
New York, NY 10007

**Via Federal Express**

Honorable Laura Taylor Swain  
United States District Court  
500 Pearl Street  
New York, NY 10007

Re: U.S. v. Vilar and Tanaka  
05-Cr-0621-RJS

SEC v Amerindo  
05-ev-5231-LTS



**MEMO ENDORSED**

Dear Judges Sullivan and Swain:

This firm represents Robin Sayko, one of the investors in the various entities controlled by Alberto Vilar and Gary Tanaka. The purpose of this letter is to respectfully request permission to appear at and participate in the conference scheduled in the above matters for January 10, 2012 at 4:45 pm, pursuant to the Joint Order signed by Your Honors dated December 19, 2011.

By way of background, on or about January 12, 2011, Robin Sayko filed a Petition asserting an interest in a portion of the substitute assets which the government was seeking for forfeiture. That Petition was ultimately withdrawn on or about June 20, 2011, in large part based upon the belief that Vilar and Tanaka had no objection to the distribution of assets to the investors and that it appeared that there was enough assets forfeited to make the investors whole, or nearly so. At the time the Petition was withdrawn, we believed that the forfeiture would promptly move forward and that the forfeited assets would be distributed pursuant to the remission process set forth in Title 28, Part 9 of the Code of Federal Regulations. Obviously, that has not happened.

Honorable Richard J. Sullivan  
Honorable Laura Taylor Swain  
January 4, 2012  
Page

We are in favor of a full or, if necessary, partial, distribution to all victims and investors. We are likewise in favor of any reasonable mechanism or process that will accomplish such a distribution, including the remission process. However, we do oppose any concept that gives any investor an elevated status in the priority of distribution simply because that investor happened to be the subject of a criminal count that the U.S. Attorney chose to prosecute and ultimately obtained a conviction on. My client, like all of the other investors who have been denied access to their money for approximately six years, has her own financial hardships, obligations, and pressures. She is as much a "victim" as all of the other investors. Accordingly, we respectfully submit that any distribution be made on a pro rata basis amongst all investors.

We look forward to the January 10, 2012 conference as an event that will help break the logjam and free up the funds for the benefit of all investors.

Sincerely,



TJH:tr

Thomas J. Hall

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Robin Sayko (via email)

*The request is granted.*

SO ORDERED.

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NEW YORK, NY



LAURA TAYLOR SWAIN  
JAN 6 2011 UNITED STATES DISTRICT JUDGE